

FILED: June 13, 2016

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 16-907  
(5:05-cr-00001-BR-2)**

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In re: KEVIN D. BROWN, a/k/a Black,

Movant.

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**O R D E R**

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Kevin D. Brown has filed a motion pursuant to 28 U.S.C. §§ 2244, 2255(h) (2012) for authorization to file a second or successive 28 U.S.C. § 2255 (2012) motion. Brown has made a *prima facie* showing that the new rule of constitutional law announced in Johnson v. United States, 135 S. Ct. 2551 (2015), and held to apply retroactively to cases on collateral review by Welch v. United States, 136 S. Ct. 1257 (2016), may apply to his case. We grant authorization for Brown to file a second or successive § 2255 motion, thus permitting consideration of the motion by the district court in the first instance. The one-year limitations period of 28 U.S.C. § 2255(f)(3) for filing a § 2255 motion raising a claim relying on the Supreme Court's decision in Johnson expires on June 26, 2016.

Entered at the direction of the panel: Judge Niemeyer,  
Judge Floyd, and Senior Judge Davis.

For the Court

/s/ Patricia S. Connor, Clerk